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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH ROCHA

Defendants.

CASE NO. 1:24-CR-00081-KES-BAM

STIPULATION TO CONTINUE STATUS  
CONFERENCE; ORDER

IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States Attorney and Robert L. Veneman-Hughes, Assistant U.S. Attorney and and Christina Corcoran, attorney for defendant Joseph ROCHA, that the status conference set for August 14, 2024 at 1:00 pm before the Honorable Barbara A. McAuliffe be continued to October 23, 2024 at 1:00 p.m.

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. The parties need additional time to further investigate/explore matters related to resolving the case or setting a trial date.

2. By this stipulation, defendant now moves to continue the status conference, and to exclude time from August 14, 2024 to October 23, 2024.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports, and related documents, photographs, etc., in electronic form. All

1 of this discovery has been either produced directly to counsel and/or made available for  
2 inspection and copying.

3 b) The parties are in the middle of litigation regarding Mr. Rocha's motion to  
4 dismiss the indictment. The hearing on Mr. Rocha's motion is currently scheduled for  
5 September 9, 2024.

6 c) With respect to the additional time from October 9, 2024 to October 23, 2024,  
7 defense would further like additional time for defense investigation, and the government does not  
8 object to the continuance on this basis.

9 d) An ends-of-justice delay is particularly apt in this case because:

- 10 • Defendant needs additional time to conduct additional investigation; and
- 11 • The parties are in the middle of litigation pertaining to Mr. Rocha's motion to  
12 dismiss the indictment.

13  
14 e) Based on the above-stated findings, the ends of justice served by continuing the  
15 case as requested outweigh the interest of the public and the defendant in a trial within the  
16 original date prescribed by the Speedy Trial Act.

17 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
18 et seq., within which trial must commence, the time period of August 14, 2024 to October 23,  
19 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(D), as the parties are  
20 in the middle of litigation regarding Mr. Rocha's motion to dismiss, and pursuant to 18  
21 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv) because it results from a continuance granted by the  
22 Court at defendants' request on the basis of the Court's finding that the ends of justice served by  
23 taking such action outweigh the best interest of the public and the defendants in a speedy trial.

24 **[Remainder of page intentionally left blank.]**

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: August 8, 2024

Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

By /s/ Robert L. Veneman-Hughes  
ROBERT L. VENEMAN-HUGHES  
Assistant United States Attorney

Dated: August 8, 2024

/s/ Christina Corcoran  
CHRISTINA CORCORAN  
Attorney for Defendant JOSEPH ROCHA

**ORDER**

IT IS SO ORDERED that the status conference is continued from August 14, 2024, to **October 23, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(1)(D), and 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: **August 8, 2024**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE